

DEPOSITION OF ROBERT JOHNSON

February 27, 2008

Pages 1 through 188

PREPARED BY:

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<p style="text-align: right;">Page 185</p> <p>1 Q. Did you call anybody to try to determine the 2 whereabouts of your mother? Did you call 3 the police? Did you do anything to try to 4 track them down, any other relatives or 5 anything?</p> <p>6 A. No. I wouldn't have known who to call. I 7 wouldn't know where they were. I just hoped 8 they would call so we would know where they 9 were.</p> <p>10 Q. And when you received the call from Officer 11 Caffey the night of the 27th or early 12 morning of the 28th, whenever it was, were 13 you asleep at that time?</p> <p>14 A. Yes.</p> <p>15 MR. HENDERSON: That's all of the 16 questions I have.</p> <p>17 EXAMINATION</p> <p>18 BY MR. PHILLIPS:</p> <p>19 Q. One question that I missed the last time. 20 As of right now, do you recall what your 21 mother's number in Pennsylvania was?</p> <p>22 A. Phone number?</p> <p>23 Q. Yes, sir.</p>	<p style="text-align: right;">Page 187</p> <p>1 matter of: 2 ROBERT JOHNSON, as Personal 3 Representative of THE ESTATE OF 4 IRENA JOHNSON, Deceased, 5 Plaintiff, 6 Vs. 7 DENITA COLVIN and 8 WILLIE EVA BALDWIN, et al., 9 Defendants. 10 Civil Action Number 11 2:07CV1068-MHT 12 In the U.S. District Court 13 for the Middle District of Alabama 14 On February 27, 2008.</p> <p>15 The foregoing 186 computer printed pages 16 contain a true and correct transcript of the 17 examination of said witness by counsel for the 18 parties set out herein. The reading and signing of 19 same is hereby waived.</p> <p>20 I further certify that I am neither of 21 kin nor of counsel to the parties to said cause, 22 nor in any manner interested in the results 23 thereof.</p>
<p style="text-align: right;">Page 186</p> <p>1 A. I have it programed in my cell phone. I 2 think it's GR3-7829.</p> <p>3 THE COURT REPORTER: I'm sorry?</p> <p>4 A. GR3-7829. So that's area (215) 473-7829.</p> <p>5 MR. PHILLIPS: Thank you. That's 6 all I have.</p> <p>7 MR. COLLINS: Nothing.</p> <p>8 MR. WALLER: Thank you, sir.</p> <p>9</p> <p>10 *****</p> <p>11 FURTHER DEPONENT SAITH NOT</p> <p>12 *****</p> <p>13</p> <p>14 REPORTER'S CERTIFICATE</p> <p>15 STATE OF ALABAMA:</p> <p>16 MONTGOMERY COUNTY:</p> <p>17 I, Tracey H. Rives, Certified Shorthand 18 Reporter and Commissioner for the State of Alabama 19 at Large, do hereby certify that I reported the 20 deposition of:</p> <p>21 ROBERT JOHNSON</p> <p>22 who was first duly sworn by me to speak the truth, 23 the whole truth and nothing but the truth, in the</p>	<p style="text-align: right;">Page 188</p> <p>1 This 17th day of March 2008.</p> <p>2</p> <p>3 Tracey H. Rives, Certified 4 Shorthand Reporter and 5 Commissioner for the 6 State of Alabama at Large, 7 ACCR#: 400, Expiration Date: 8 9/30/08</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT

DPS
Accident No.

Local Case No: 07-5632

Shaded Areas To Be Used By Data Processing Only

Event # 66807

Sheet 1

of 3

Sheet(s)

Microfilm No.

LOCATION AND TIME	Date 07 27 2007	Time 19:05 PM	Day of Week M T W Th S S	County 03	City MONTGOMERY	Rural <input checked="" type="checkbox"/>	Highway Classification: M - Municipal I - Interstate S - State F - Federal C - County O - Other	Local Zone 01															
	On Street Road or Highway I085 (S)			All Intersection of or Between (Node 1) I065 (S) And (Node 2) COURT ST.			NON COLLISION EVENT																
	Street or Road Code			Node 1 2 Node 2	Node Code	0 0 0 0 2 0	Node From 1 or 2 (Circle One)	01 - Overrunned 02 - Final Approach 03 - Inversion 04 - Gas Intake 05 - Soil 06 - Road/Bridge Collapsed 07 - Jackknifed	08 - Parc/Camp. Fall From Moving Vehicle 09 - Trailer Hitch Came Loose 12 - Other														
	Intersection Related 1 Node 1 2 Node 2 Not Int Related			Mile Post 0 0 0 0 1	Control Access Hwy Loc 1 Main Rd 2 Frontage Rd	③ Interchange 4 Entrance Ramp	5 Exit Ramp 6 N/A	Prime Contr Circums 09	COLLISION EVENT														
	First Harmful Event 20			Event Location 1	Distance to Fixed Objct N/A FT	No. of Vehicles 2	No. Pedestrians 0	No. Injured 2	No. Fatalities 1	75 - Overpass/Underpass 76 - Other Fixed Object 77 - Breakaway Sign 78 - Guardrail 79 - Tensioner Beam 80 - Guy Wire 81 - Breakaway Light 82 - Overhead Object 84 - Bridge Abutment 87 - Animal with Rider 90 - Foreign Material in Road 93 - Pothole 73 - Boulder 87 - None 88 - Other													
	Driver Full Name WILLIE EVA BALDWIN			Street Address 1235 N. CONESTOGA ST. PHILADELPHIA, PA.			City and State 19131 (215) 473-7829																
	D 02 02 1917 Race Sex D.L. State Driver License No.			09117213			DL Class C	DL Status C	CDL Status N	Zip Telephone No.													
	B Month Day Year B F PA																						
	Place of Employment RETIRED						Liability Insurance Co. SELF- INSURED			Social Security No.													
	Driver Condition: ① - No Defect 3 - Fatigued 8 - Other 2 - Apparently Asleep 4 - Ill 9 - Unknown			Officer's Opinion: Sobriety: Alcohol: Ye <input checked="" type="checkbox"/> unk Drugs: Ye <input checked="" type="checkbox"/> unk			Type Test: 9 - No Test Given: ① - Blood Test 2 - Breath Test	3 - Unrec Test 4 - Unable to Administer	5 - Refused Test	Test Results													
Maneuver 81 Travel Road Name I085 (S)			Road Code N E S W			Travel Direction A - Not on Rd U - Unk	Other Contr Circumstance 97	Prime Harm Event 20	Event Loc 1														
Veh Year 2007 Make HYUN Model SON Body 4D V.I.N. SNPEU46F97H189659						License Tag Number 9188683			State IL Year 2007														
Owner's Name HERTZ RENTAL CAR			Street or R.F.D. 10000 BESSIE COLEMAN DR.			City CHICAGO			State IL Zip 60666														
Type ① Auto 11 - Moped 2 - Sta. Wagon 12 - M. Scooter 3 - Pick Up 13 - Pedal Cycle 4 - Van 14 - Farm Mach. 5 - Truck Tractor 15 - Train 6 - Other Truck 16 - Road Equip. 7 - Comm Bus 17 - Ridden Animal 8 - School Bus 18 - M. Home (R.V.) 9 - Other Bus 19 - ATV 10 - Motorcycle 20 - Other			Usage ① Personal 10 - Police 2 - Driver Trng. 11 - Other 3 - Construction Business 4 - Ambulance/ Paramedical 5 - Military Transport 6 - Taxi 7 - Transport Prop 8 - Agriculture 9 - Wrecker/Tow			Hazardous Cargo ① None 2 - Explosive 3 - Gas 4 - Flam/Combust Liq 5 - Flammable Solids 6 - Oxidizer/Peroxide 7 - Poison 8 - Radioactive Material 9 - Corrosive Material 98 - Other			Attachment ① None 2 - Mobile Home 3 - Semi Trailer 4 - Utility Trailer 5 - Wheel Trailer 6 - Boat Trailer 7 - Poison 8 - Radioactive Material 9 - Corrosive Material 98 - Other			Contributing Defect ① None 1 - Brakes 2 - Steering 3 - Power Plant 4 - Suspension 5 - Tires 6 - Exhaust 7 - Lights 8 - Turn Signal			Circle areas Damaged On Diagram ② Under Carriage ③ N/A ④ TOTALLED ⑤ Attachment								
Speed Limit 50 MPH			Est. Speed 999 MPH			Citation Offense Charged NONE	Damage Severity 1 - Non Visible 2 - Not Disabled	① - Disabled ② - Not Disabled	Vehicle Towed Away? <input checked="" type="checkbox"/> Yes No	Occupant in Unit 3	Total Injuries in Unit	Enter Point of Initial Impact 5											
Vehicle Towed By Whom: B&R			To Where: B&R LOT																				
Driver Full Name DENITA R. COLVIN			Street Address 4033 OAK SHADOW LANE MONTGOMERY, AL			City and State 36116 (334) 396-3453						Telephone No.											
D 09 23 1962 Race Sex D.L. State Driver License No.			6312074			DL Class D	DL Status C	CDL Status N	Zip Telephone No.														
B Month Day Year B F AL																							
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VICTIMS	<p>Name: ELLA R. PRATHER Address: 2426 MONTEREY ST. DETROIT, MI. Unit No: 1 Seat Pos: 3 Injury Type: A Age: 82 Sex: F Ejection: N First Aid By: M</p> <p>Taken To: JACKSON HOSPITAL Taken By: CARE AMBULANCE</p>																																																										
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	<p>Pedal Cycle/Pedestrian 91 Contracting Clothing 92 Non-Contracting Clothing</p>																																																										

NARRATIVE AND DIAGRAM

SEE SHEET 3 OF 3 SHEETS

Officer's Opinion of What Happened:

SEE SHEET 2 OF 3 SHEETS

ROADWAY ENVIRONMENT	For Each Roadway Environment Field, Circle One Entry for Each Involved Unit:									
	1	Unit 1 Contributing Road Defects	Surfaces Construction	Condition	Accident Is Or Related To Road Construction Zone?	Material In Roadway (Contributing)	Material Source	Character		
1	1 ① None	1 1 - Asphalt	① ① - Dry	① ① - None	5 5 - Gravel	① ① - Not Applicable	1 1 - Straight—Level			
2	2 1 - Shoulders Low	2 2 - Concrete	2 2 - Wet	2 2 - Rocks	6 6 - Oil/Petrol	2 2 - Natural Environment	2 2 - Straight—Down Grade			
	2 2 - Shoulders High	3 3 - Brick	3 3 - Icy	3 3 - Trees/Limbs	8 8 - Other	3 3 - Dropped From Vehicle	3 3 - Curve—Up Grade			
	3 3 - Holes, Bumps, Etc.	4 4 - Unpaved	4 4 - Snowy/Slushy	4 4 - Already In Road, But Fell From Vehicle	4 4 - Dirt	4 4 - Already In Road, But Fell From Vehicle	4 4 - Straight—Hillcrest			
	8 8 - Other	5 5 - Muddy	5 5 - Other	8 8 - Other	8 8 - Other	8 8 - Other	5 5 - Curve—Level			
						9 9 - Unknown				
	Vision Obscured By:									
	① ① Not Obscured	10 10 - Blinded by Sunlight	1 1 - Police Officer	11 11 - Flagger	97 97 - None	Traffic Control			Traffic Lanes	
	1 1 - Buildings	11 11 - Fire/Smoke	2 2 - R.R. Crossing Gates	12 12 - No Passing Zone	1 1 - Paved Surface	1 1 - One Lane				
	2 2 - Signboards	12 12 - Dust	3 3 - R.R. Flashing Lights	⑤ ⑤ None	2 2 - Unpaved Surface	2 2 - Two Lanes				
	3 3 - Trees, Crops, Bushes	13 13 - Blinded by Headlights	4 4 - R.R. Cross Buck/Pave Mark	98 98 - Other	3 3 - Broken Painted Line	3 3 - Three Lanes				
	4 4 - Blowing Snow/Sand	14 14 - Embankment	5 5 - Pedestrian Control	4 4 - Solid Painted Line	4 4 - Four Lanes					
	5 5 - Hillcrest	15 15 - Rain on Windshield	6 6 - Traffic Signal	⑤ ⑤ Concrete Barrier	5 5 - Five Lanes					
	6 6 - Curve in Road	16 16 - Snow on Windshield	7 7 - Flashing Beacon	6 6 - Metal Guard Rail	⑤ ⑤ Six Lanes or More					
	7 7 - Fog	98 98 - Other	8 8 - Stop Sign	7 7 - Fence						
	8 8 - Parked Vehicle	99 99 - Unknown	9 9 - Yield Sign	8 8 - Other Barrier						
	9 9 - Moving Vehicle(s)		10 10 - Lane Control Device	N/A						
	Traffic Control Functioning									
	① ① Yes	① ① Yes	① ① No	① ① No		Opposing Lanes Separated By:			One-Way Street	
						1 1 - None	2 2 - Paved Surface	3 3 - Unpaved Surface	4 4 - Broken Painted Line	
						4 4 - Solid Painted Line	5 5 - Concrete Barrier	6 6 - Metal Guard Rail	7 7 - Fence	
						8 8 - Other	9 9 - Other Barrier			

INVESTIGATION	Light				Weather				Locale		Non-Vehicular Property Damage		Property Damage Description	
	① ① Daylight	4 4 - Darkness—Road Not Lit	① ① Clear	5 5 - Sunshine	① ① Open Country	5 5 - School	1 1 - None Visible	3 3 - Moderate	Description:		N/A			
2 2 - Dawn		2 2 - Cloudy	6 6 - Overcast	2 2 - Residential	6 6 - Playground	2 2 - Light	4 4 - Severe							
3 3 - Dusk	5 5 - Darkness—Road Lit	3 3 - Rain	7 7 - Fog	3 3 - Shop or Business	8 8 - Other									
		4 4 - Snow	8 8 - Other	4 4 - Mfg. or Industrial										
	Time Police Notified AM	Time Police Arrived AM	Time EMS Arrived AM	Name of Photographer										
	19 : 05 <input checked="" type="checkbox"/>	19 : 13 <input checked="" type="checkbox"/>	19 : 06 <input checked="" type="checkbox"/>	S.A. TOLLIVER #1143										
	Witness Full Name	BRENT LARSON		Address		2634 VALLEY AVE. ROCK WELL CITY, IA 50579		Telephone		(515) 467-5764				
	Witness Full Name	CHRIS MILES		Address		3913 PIEDMONT DR. MONTGOMERY, AL 36108		Telephone		(334) 281-0039				
	Name of Investigating Officer	CPL.G.E. CAFFEY				Officer ID	496	Agency ORI	0030100	Supervisor Reviewed				
	Name of Other Investigating Officers at Scene	CPL. Q.O. COMMANDER				Officer ID	1418	Agency ORI	0030100					

The data on this report reflects my best knowledge, opinions and beliefs covering the accident, but no warrant is made as to the factual accuracy thereof.

11/12/07

07/09/2007

ALABAMA
UNIFORM TRAFFIC ACCIDENT REPORT

EVENT #: 66807

LOCAL CASE NO. 07-5632

AST No. 34 Rev 4/86

SUPPLEMENTAL SHEET

SHEET 2 OF 3 SHEET(S)

	Unit No.	Seat Pos.	Injury Type	Age	Sex	Ejec-tion	First Aid By
3							

ADDITIONAL ACCIDENT VICTIMS	3	Name	DENITA R. COLVIN	Address	4033 OAK SHADOW LANE MONTGOMERY, AL. 36116	2	1	A	44	F	N	M
		Taken to	JACKSON HOSPITAL	Taken by	CARE AMBULANCE							
	4	Name	N/A	Address								
		Taken to		Taken by								
	5	Name	N/A	Address								
		Taken to		Taken by								
	6	Name	N/A	Address								
		Taken to		Taken by								
	7	Name	N/A	Address								
		Taken to		Taken by								
	8	Name	N/A	Address								
		Taken to		Taken by								
9	Name	N/A	Address									
	Taken to		Taken by									
10	Name	N/A	Address									
	Taken to		Taken by									
11	Name	N/A	Address									
	Taken to		Taken by									
12	Name	N/A	Address									
	Taken to		Taken by									

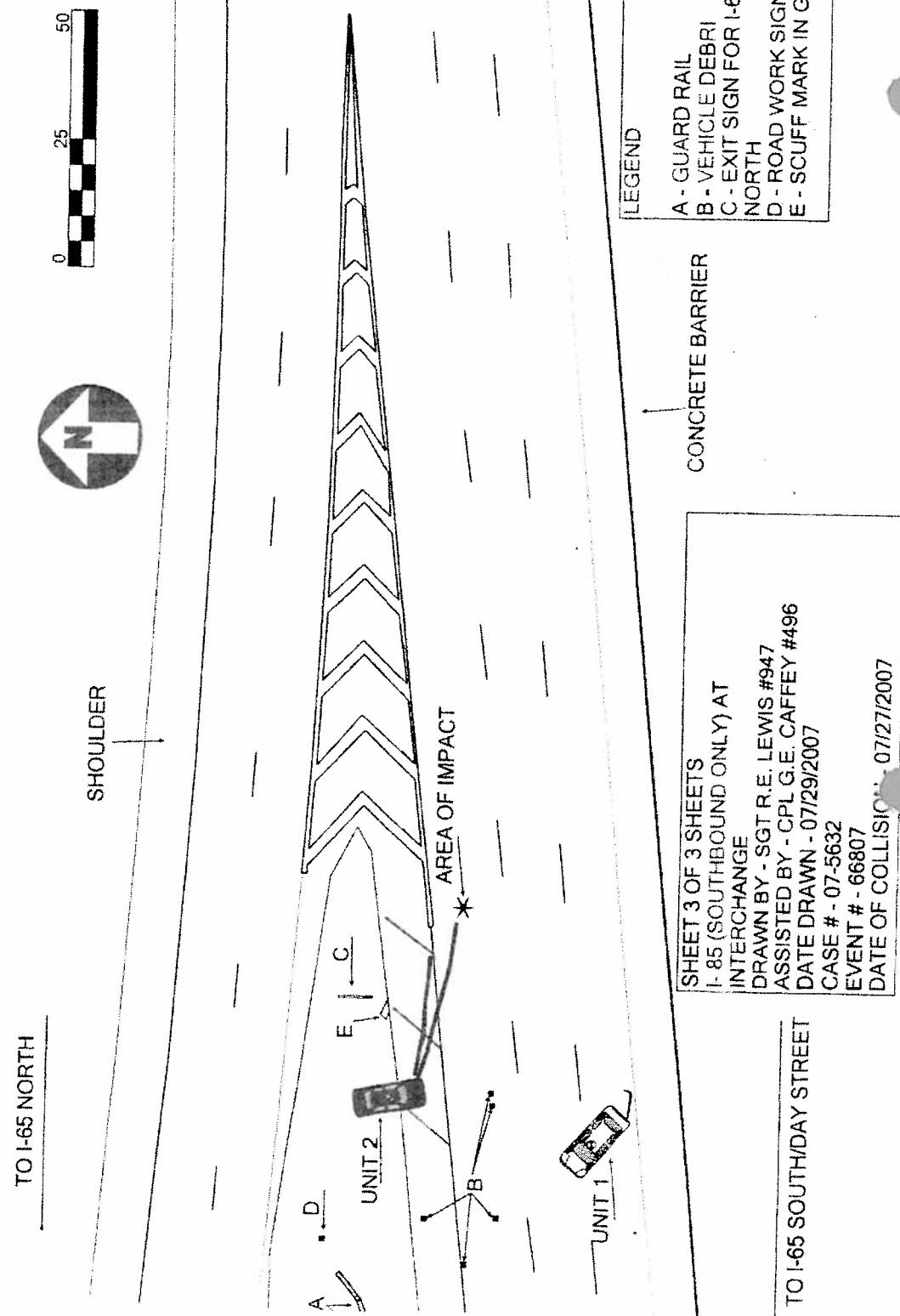
DESCRIBE WHAT HAPPENED (Refer to vehicles by number)

WITNESSES ADVISED THAT VEHICLE #1 WAS TRAVELING WEST ON I085 SOUTH IN THE RIGHT LANE ,WHEN SUDDENLY VEHICLE # 1 STARTED BACKING UP ON I085 IN THE LANE OF TRAFFIC. WITNESSES FURTHER ADVISED THAT VEHICLE #2 TOOK EVASIVE ACTIONS, HOWEVER WAS UNABLE TO AVOID THE COLLISION . DRIVER OF VEHICLE # 1 ADVISED THAT SHE WAS TRAVELING ON I085 SOUTH AND VEHICLE #2 COLLIDED WITH HER VEHICLE IN THE REAR. DRIVER OF VEHICLE #1 ADVISED THAT SHE NEVER PUT HER VEHICLE IN REVERSE. DRIVER OF VEHICLE #2 ADVISED THAT WHEN SHE NOTICED VEHICLE # 1 ,IT WAS BACKING ON THE INTERSTATE . DRIVER OF VEHICLE #2 FURTHER ADVISED SHE ATTEMPTED TO AVOID THE COLLISION BY SWERVING TO THE RIGHT, HOWEVER SHE WAS UNABLE TO AVOID THE COLLISION.

ADDITIONAL NARRATIVE SPACE

SEE SHEET 3 OF 3 SHEETS

<input type="checkbox"/> Diagram Not to Scale <input type="checkbox"/> Diagram Scale 1 inch	(20 feet) (10 feet)	Location MONTGOMERY	Time 1904	A.M. <input type="checkbox"/> P.M. <input checked="" type="checkbox"/> MT
Signature of Reporting Officer(s) <i>C. E. Hill</i>		Officer ID 406	Reporting Police Agency ORI 00020100	DATE 07 27 2007

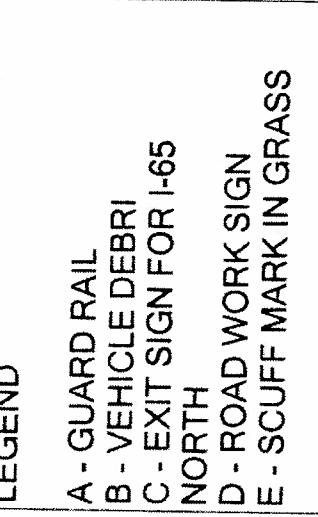
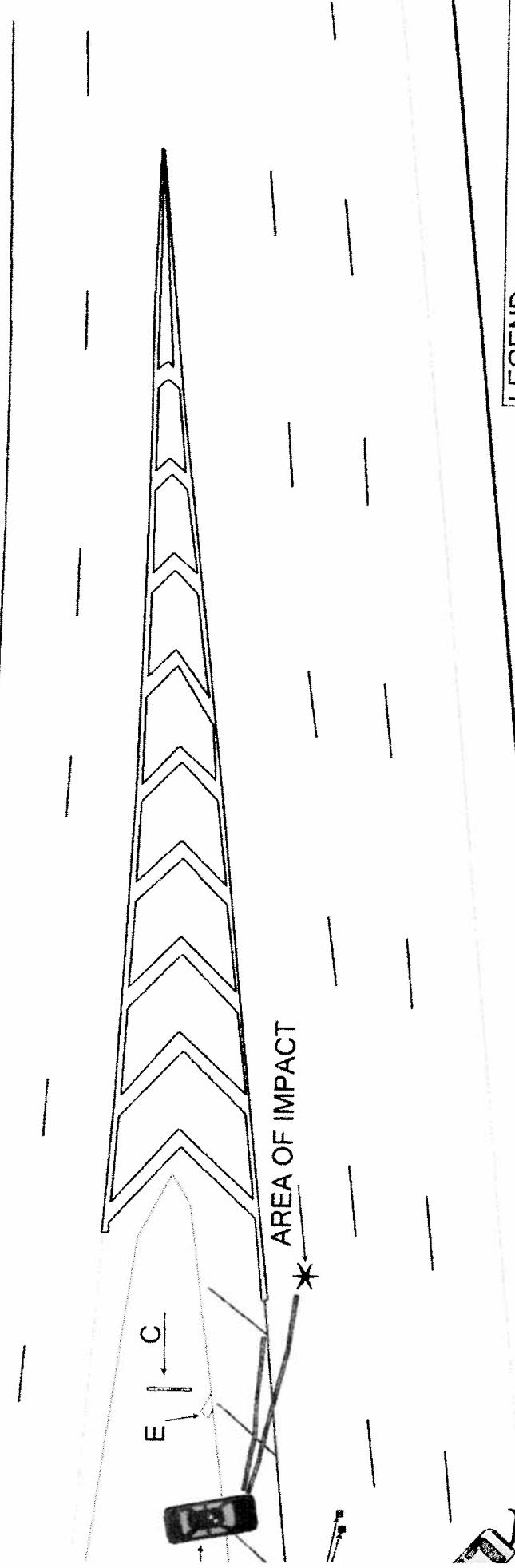


I-5 NORTH



SHOULDER

0 25 50



CONCRETE BARRIER

SHEET 3 OF 3 SHEETS
I-85 (SOUTHBOUND ONLY) AT
INTERCHANGE
DRAWN BY - SGT R.E. LEWIS #947
ASSISTED BY - CPL G.E. CAFFEY #496
DATE DRAWN - 07/29/2007
CASE # - 07-5632
EVENT # - 66807
DATE OF COLLISION - 07/27/2007

AY STREET



